RECENT CASES.

APPEAL—SERVING "CASE"—CITY OF GARDEN CITY v. MERCHANTS' AND FARMERS' NATIONAL BANK OF DANSVILLE, N. Y., 60 Fed. (Kan.) 823.—The records of the lower court show that after the judgment had been rendered the court extended the time of the defendant for making and serving a case to the 22d day of March, 1897. On the 22d further extension was made. Defendant claims that the case made was not served within the time fixed by order of the lower court. *Held*, that a time for serving such "case" expired March 21, at midnight, and a case served under an order made March 22 would not be served in time.

In King v. *Stevens & Agnew*, 5 East 244, Lord Ellenborough said "that the words 'to and until' may be either inclusive or exclusive, according to the manifest intention of the persons using them." The cases of *Montgomery* v. *Reed*, 69. Me. 514; *Thomas* v. *Hatch*, 3 Sumn. 178, 179, and *De Haven* v. *De Haven*, 49 Ind. 296, hold that the word "to" is exclusive, while *Gottleib* v. *The Fred. W. Wolf Co.*, 75 Md. 126, a case in many respects parallel to the present case, holds that the word "to" is inclusive. In the cases of *Bellhouse* v. *Miller*, 4 Hurl. & Nor. 120; *Isaac* v. *Royal Ins. Co. L. R.*, 5 Exch. 296, and *Thomas* v. *Douglas*, 2 Johns Cases 225, hold that the word "until," which is synonomous with "to," is inclusive.

ARREST—JUSTIFICATION—FALSE IMPRISONMENT—SNEAD v. BONNOIL, 63 N. Y. Sup. 553.—Officers, suspecting felony, made an arrest without a warrant and found a concealed weapon in possession of the party, for which misdemeanor he was subsequently fined. Failing to get proof of felony, they charged the plaintiff with carrying concealed weapon after he had been in jail 24 hours beyond the time when he was entitled to discharge upon bail, had they made such charge at once. *Held*, false imprisonment. Van Brunt, P. J., and Ingraham, J., dissenting.

As to justification for arrest in that a concealed weapon was found, the majority opinion follows *Murphy* v. *Kron*, 8 N. Y. St. R. 230. "You cannot arrest a man merely because, if all were known, he would be arrestable." Even admitting justification, they held that, owing to the said 24 hours' overtime, the case was within the rule laid down in the *Six Carpenters' Case*. 8 Coke 146, thus deeming the officers trespassers ab initio. The dissenting judges held that the detention was not wholly illegal and that an arrest made by an officer without a warrant for a misdemeanor committed in his presence is not a false imprisonment. 12 *Am. and Eng. Ency.* 726, 740; *Meserve* v. *Folsom*, 20 Atl. 926. They contended also that it was against public policy thus to hamper the police in the exercise of their discretion.

ATTORNEY AND CLIENT—LIEN—WEATHERFORD v. HILL ET AL., 56 S. W. Rep. 448.—Claim for attorney's lien on land assigned as dower. *Held*, where attorney obtains partition of land he acquires no lien for his fees on the part set aside for his client. Bunn, C. J., dissenting.

This ruling is in strict conformity with the decisions contained in *Hershey* v. *Deo. Val.*, 47 Ark. 86; *Gilson* v. *Buckner*, 44 S. W. 1034. Nevertheless, in *Brown* v. *Biddle*, 3 Tenn. Ch. 618; *Wilson* v. *Wright*, 72 Ga. 848, the lien was recognized. It was also extended in England by 23 and 24 Vict., ch. 127 and 128.

BILLS AND NOTES — IRREGULAR INDORSEMENT — CARRINGTON v. ODOM, 27 Sou. Rep. 510 (Ala.).—Where defendant endorsed a promissory note before